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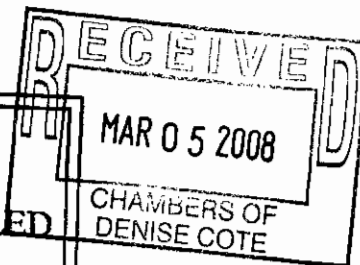
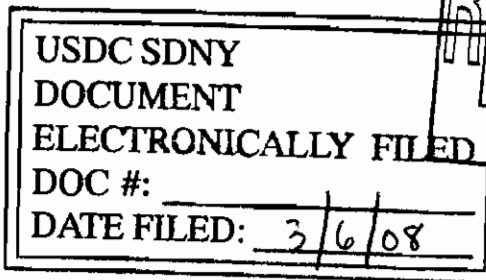
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March 4, 2008

## VIA UPS OVERNIGHT DELIVERY

Honorable Denise Cote  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, New York 10007-1312



RE: Evan Weiner, et al. v. Snapple Beverage Corporation  
Docket No. 07-cv-08742 (DLC)

Dear Judge Cote:

**MEMO ENDORSED**

We represent Plaintiffs Evan Weiner and Timothy McClausland in the above referenced consumer class action and write the Court with the consent of counsel for Defendant Snapple Beverage Corporation ("Snapple") regarding the initial pretrial conference that has been scheduled before Your Honor on April 11, 2008 at 9 a.m. (See Docket No. 23). The parties respectfully request that the conference be adjourned.

On December 7, 2007, the court entered a Consent Order to Stay Action (Docket No. 20) by virtue of which this matter was stayed pending a final, non-appealable decision on Defendant's motion to

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dismiss in *Holk v. Snapple Beverage Corporation*, Civil Action No. 3:07-03018-MLC-JJH, a substantially similar action pending in the District of New Jersey.<sup>1</sup> Pursuant to the Order counsel is to submit a status letter to the Court on March 28, 2008.

The parties are in agreement that judicial economy will be best served adjourning the initial status conference until after a final, non-appealable decision is issued in the *Holk* matter.

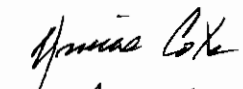
We thank the Court for your consideration in this matter.

Respectfully submitted,

  
Daniel R. Lapinski

cc: V. Beckwith (via Electronic mail)  
M. Reid (via electronic mail)

*The conference is adjourned  
sine die. Status letter  
is due June 1, 2008.*

  
*March 5, 2008*

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<sup>1</sup> *Holk* was originally filed in New Jersey State Court on or about May 18, 2007, and was subsequently removed to the District of New Jersey on or about June 29, 2007. Snapple filed a motion to dismiss in *Holk* on October 18, 2007, and the motion has been fully briefed and is awaiting oral argument.